

CHAPTER 88: OVERTON MUNICIPAL CEMETERY

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OVERTON MUNICIPAL CEMETERY

§ 88.01 *OVERTON MUNICIPAL CODE*

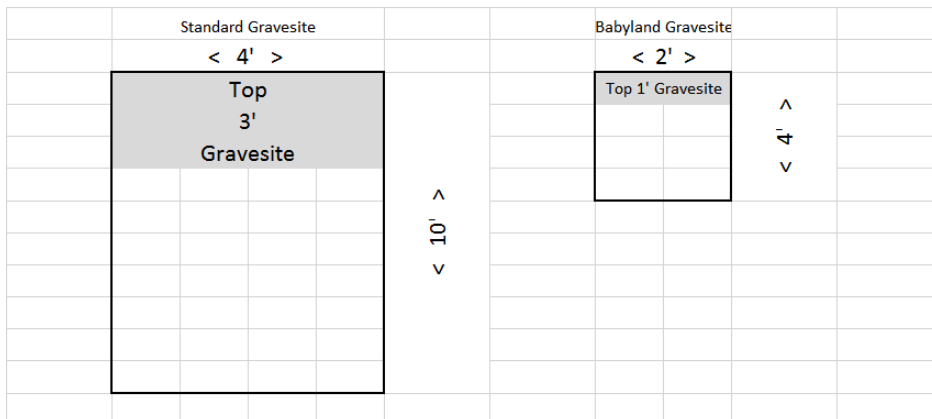
- a. On August 20, 2015, the City Council adopted Resolution 2015-08-20C to formally accept trusteeship of the Overton Municipal Cemetery.
- b. The following Rules and Regulations, duly enacted by the City Council of the City, shall be binding on the owners of all lots in the Overton Municipal Cemetery regardless of the date such owner acquired deed.

§ 88.02 *OWNERSHIP AND MANAGEMENT*

- a. The Overton cemetery is owned and managed by the City of Overton.
- b. The Overton City Council has the right of general control of the Overton Municipal Cemetery in all matters, whether or not such matters are specifically set forth in these Rules and Regulations.
- c. The Overton Cemetery maintenance and operations is under the direction and control of the Public Works Superintendent, who may delegate such authority to another appropriate designee. The Public Works Superintendent shall have supervisory authority over all activities within the Overton Municipal Cemetery. The City Secretary is responsible for tasks related to administrative operations such as sale of lots, processing deeds, maintaining records, etc.
- d. City Council will annually adopt an Ordinance setting a Tax Rate and amending if necessary a schedule of fees and costs associated with operation and use of the Municipal Cemetery.

§ 88.03 PURCHASE OF LOTS

- a. All gravesites at the Overton Municipal Cemetery are sold for cash and all sales are final.
- b. Selection of lot spaces will be made exclusively at the Overton Municipal Cemetery.
- c. The City will allow for installment payments on a cemetery plot provided the cemetery plot is unoccupied and the purchaser agrees to the following conditions:
 - Plot purchaser shall make a minimum down payment of \$100.00 per plot
 - Plot purchaser shall make minimum monthly payments of \$50 per month on each reserved plot.
 - Installment payments must be concluded within twelve (12) months from the first installment payment or the purchaser shall forfeit all money paid toward the reserved lot and the lot will be released for resale.
 - Failure to complete the installment payments within the agreed time period shall negate the original purchase price to the current price of the cemetery plot.
- d. The purchases shall provide all information pertinent to complete the Cemetery Plot Information Card and Burial Card at the time of purchase.
- e. Names of gravesite purchasers will be kept on file. Documents or Certificates identifying lot spaces allow the owner(s) the right and license to burial and placement of memorials only, and are subject to law and these Rules and Regulations.
- f. Gravesite lots will only be sold Monday through Friday, except on holidays, during normal business hours.
- g. Gravesite lots which have been sold **shall not** be re-purchased by the City, but the owner may donate a purchased lot back to the City if they so desire.
- h. Burial spaces located in Baby land are two (2) feet by four (4) feet. Any grave greater than four feet in length is considered an adult gravesite. Typical burial spaces are four (4) feet by ten (10) feet. Baby land section is closed for future burials.



i. A schedule of fees and costs is posted in the City Hall office.

Such fees and costs are subject to change by Resolution or Ordinance adopted by the City Council.

- j. A plot book showing available gravesites and their location is located in City Hall.
- k. When purchasing a gravesite, the purchaser will determine at the time of purchase, whether there is to be one (1) burial, or one burial with up to two (2) cremains, or up to four (4) cremains, located at that gravesite.
- l. By purchasing a plot in the Overton Municipal Cemetery; the plot owner and all heirs of the decedent hereby agree to follow all the rules and regulations as set forth by this ordinance and any future revisions to the Overton Municipal Cemetery Rules and Regulations.

§ 88.04 TRANSFERS

- a. A Transfer of Deed fee (as set by the City of Overton – Schedule of Fees) shall be charged to the new purchaser of previously purchased cemetery plot and the transfer paperwork must be handled through the City of Overton.
- b. Transfer of any gravesite lot or interest therein, shall be valid only with the written consent of all interested parties.
- c. The original deed must be provided to City staff at City Hall. A new Deed will be prepared and recorded.
- d. If the original deed or certificate of title cannot be produced, legal proof of ownership shall be provided to the City, together with a notarized affidavit indemnifying the City from any claim associated with said transfer.
- e. All cemetery plot transfers shall be made at through City Hall, 1200 S. Commerce St., Overton TX 75684, phone # 903-834-3171 during normal business hours.

§ 88.05 INTERMENT

- a. An interment fee (as set by the City of Overton Schedule of Fees) shall be collected by the City prior to burial.
- b. Interment will be scheduled only after presentment of the original deed or certificate of title and after all required fees and costs have been paid for the gravesite. If the original deed or certificate of title cannot be produced, legal proof of ownership shall be provided to the office of the City Secretary, together with a notarized affidavit indemnifying the City from any claim associated with said interment.
- c. Regardless of what Funeral Home is in charge of the funeral the following is the only company authorized to open and close graves within the cemetery:
 - Jacson Cemetery Service Inc.; Henderson, Texas; 903-657-6059
- d. To provide for the safety of persons attending burials; during the lowering of the casket attendees must remain at a safe distance from the gravesite.

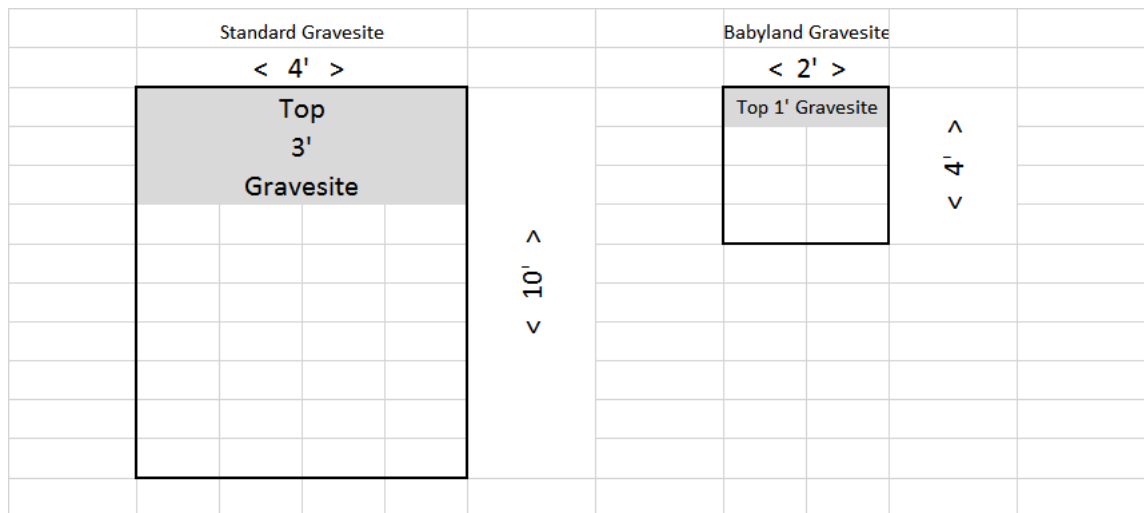
- e. No one may open a casket that is in the confines of the Cemetery without proper legal authority, and where necessary, only by order of a court of competent jurisdiction.
- f. Cremains shall not be buried on an existing gravesite without proper documentation and authorization, approved by the City Secretary. Cremains may not be scattered anywhere in the cemetery.
- g. Interment in any one lot is limited as follows: one (1) set of remains; or one (1) set of remains with up to two (2) sets of cremains; or up to four (4) sets of cremains.

§ 88.06 DISINTERMENT

- a. Disinterment shall only be permitted when legally authorized and shall be subject to the Jacson Cemetery Service Inc.; Henderson, Texas; 903-657-6059 work schedule, the applicable fee schedule, and other related conditions. The Cemetery staff shall undertake the disinterment with due care, but assumes no liability for any associated damages.
- b. The only person who may be present at a disinterment, other than the cemetery crew, is the authorized funeral director.

§ 88.07 FOUNDATIONS, MONUMENTS AND MARKERS

- a. A Monument Deposit (as set by the City of Overton Schedule of Fees) shall be collected by the City prior to burial. If a permanent standard stone monument has not been installed within one (1) year of the burial, the City will purchase and install a flat monument and the Monument Deposit will not be refunded.
- b. The funeral home typically will provide a temporary marker; however, a permanent marker must be purchased and placed within one (1) year of interment.
- c. The monument shall be placed in the top 3 feet of the gravesite for standard size burial plots or in the top 1 foot of Baby land burial plots. Foot marker monuments must be placed in the lower 1 foot of the standard gravesite for a standard size burial plot and must be grade (ground) level.



- d. The owner of each burial plot (except in Baby Land) shall have the right upon obtaining a marker permit and approval of the City Cemetery Administrative Staff to erect Flat markers only in Sections B, C, EE, F-2 and any additional Sections that may be opened in the future.
 - i. Exception, an owner of a plot in Section EE or F2 and future sections that may be opened, may be granted the right to erect an upright marker if the plot owner installs a solid concrete foundation or pad for the upright marker that must extend at least six (6") inches beyond the edge of the base of the monument in all directions.
 - ii. Section B and C shall not have any exception to the flat marker rule.
- e. The owner of each burial plot (except in Baby Land) shall have the right upon obtaining a marker permit and approval of the City Cemetery Administrative Staff to erect Upright markers or Flat markers in Sections A, A-1, A-2, A-3, D, DD, F-1 and G.
- f. The owner of each burial plot in Baby Land shall have the right upon obtaining a marker permit and the approval of the City Cemetery Administrative Staff to erect Flat markers only not to exceed 2 foot by 1 foot.
- g. The length of a monument in all other sections, except for Baby Land, shall not exceed forty inches (40") for a single grave or eighty-eight inches (88") for a double grave. All new monuments shall not exceed thirty- six inches (36") in height as measured from the top of the concrete foundation. Base of monuments are not to exceed twelve inches (12") in width.
- h. Only concrete, granite and bronze monuments and memorials are allowed. Grass markers may have a hideaway vase receptacle.
- i. The City Cemetery Administrative staff shall approve all monuments.
- j. The City Cemetery Administrative staff shall approve the location of all monuments and shall schedule the placement of all monuments. Monuments shall not be placed on a Saturday, Sunday, or Holidays.
- k. While the City shall exercise due care to protect carvings, or other structures on any monument in the cemetery, the City disclaims any responsibility for any damage thereto.
- l. Only monument companies will be allowed to place a monument in the Cemetery.

§ 88.08 *DECORATION OF LOTS*

- a. Graves must be kept clean/clear of decorations, so as not to interfere with the safe operation of mowers and weed eaters. Flowers must be placed at or on the monuments. No trees or plants may be planted in the cemetery. Absolutely no yard art, trinkets, solar lights or pole flags will be allowed.
- b. Families may have decorations in the vases attached to the monument at all times.

Items in vases will not be removed unless they become unsightly. Decorations can be no wider than the monument and may not extend more than 12" above the monument. Grass markers may have decorations in a hideaway vase, but may not have loose items placed on top of the grass marker or the marker foundation.

- c. Placement of flowers must be in placed in line with, on either side or on top of the headstone.
- d. Hedges, Trees, Bushes or any other type of plantings are not allowed on or around a gravesite.
- e. Any wreaths or flowers shall be removed upon deterioration or, when in the judgment of the City Cemetery Landscaping Crew, have served their purpose.
- f. Any plant material that becomes or may become detrimental to foundations, irrigation, or adjacent lots because of height, width, roots, trunks, etc. shall not be permitted and will be removed.
- g. There will not be any decorations in the trees or shrubs allowed.
- h. The City/Cemetery shall not be held liable for lost, misplaced, or broken flower vases or for damage by the elements, thieves, vandals, or by causes beyond their control. The City reserves the right to regulate the method of decorating lots and the right to remove any decoration in order that uniform beauty may be maintained.
- i. Certain decorative or other adornments that have been placed in the cemetery in years past are no longer allowed.

- Structures are not permitted to be built or placed on or around any grave in the Overton Municipal Cemetery.

Examples are, but not limited to: Private Fences, Gravesite Borders, Curbing, Trellises, Windmills, Chimes, Chairs, Settees, Headboards, Grave Mounds, Memorials, Enclosures, Statues, Glass Vases, Hedging, Walks, etc. or any kind of breakable material. **The City reserves the right to remove the same if so planted, erected, or placed.**

- The covering of graves with any material other than a concrete / granite slab or turf is prohibited.

Examples of prohibited materials include but are not limited to: Bricks, Cinders, Crushed Rock, Rock, Glass, Gravel, Oyster Shell, Tiles, etc. **The City reserves the right to remove these materials without notice to the lot owner.**

- The minimum depth of the concrete or granite slab must be 4" with all four inches being buried below the surface of the ground and not extending to a height greater than grade (ground) level.

- j. Concrete benches shall be allowed under the following conditions:

1. Authorization for installation of any bench must first be obtained by the Municipal Cemetery Administrator prior to installation.
2. Any bench approved to be placed in the cemetery must be made of stone or concrete; no wooden or metal benches will be authorized.
3. Any bench that is cracked, unstable, leaning or otherwise deemed unsafe by the Cemetery staff shall be removed.
4. Any bench approved must be installed where the bench seat is attached to the legs.
5. Dimensions of the top of the bench may not measure more than 36" by 18" and the bench may be no more than 36" inches in height.
6. Legs or upright supports underneath the top of the bench must be inset a minimum of 2" from the edge of the top of the bench on the shortest side.
7. The bench must be placed on a concrete foundation to sit at the foot of the grave parallel to the head stone and be located within the 4'x 10' border of the plot. The bench cannot encroach on any other surrounding plot whether occupied or not.
8. Dimensions of the concrete foundation or pad must extend at least six (6") inches beyond the edge of the top of the bench in all directions.
9. The minimum depth of the pad must be at least four (4") inches with all four inches being buried below the surface of the ground and not extending to a height greater than grade (ground) level.
10. Bench and Foundation must be approved in advance of installation by City Staff, in writing.
11. A bench placed in a family plot must follow all of the specifications sited above but may be located diagonally in one corner of the family plot at the farthest distance from the nearest headstone.

§ 88.09 *CONDUCT WITHIN THE CEMETERY*

- a. The Overton Municipal Cemetery Visitation Hours shall be set from dawn to dusk.
- b. The City Hall is open during normal business hours, are: 8:00 AM to 4:30 PM, Monday through Friday. Maps, price lists, brochures and cemetery rules and regulations can be found at City Hall.
- c. Alcohol is not permitted within the boundaries of the cemetery.
- d. The gathering or removal of flowers by anyone other than the grave owners or Cemetery staff is prohibited within the Overton Municipal Cemetery.
- e. The breaking of trees, shrubs, or plants is prohibited within the Overton Municipal Cemetery.
- f. Loitering shall not be permitted on cemetery grounds. Excessive noise will not be

permitted in the cemetery.

- g. Dogs (except for service dogs), horses, or any other animal shall not be allowed on the cemetery grounds. The owner of any animal that trespasses upon cemetery grounds shall be liable for any damage done by the animal. The City shall not be liable for any damage caused by animals and does not assume any responsibility for keeping animals out of the cemetery.
- h. The City of Overton shall use reasonable care to reasonably and regularly maintain all Overton cemetery grounds in good order and repair, free from dangerous conditions, and in a manner befitting such memorial places.

§ 88.10 ***ANNEX A - CEMETERY FEES – Appendix A – City of Overton Schedule of Fees***

Overton City Cemetery Space Information

Plot Owner Information

Last Name	First Name	Middle Initial
Address		
City	State	Zip Code
Phone Number		

Deceased or Decedent "to be buried" Information Casket Creains

Last Name	First Name	Middle Initial
Veteran - War	Religious Affiliation	Race
Age at time of Death	Sex: M or F	Place of Death – City & State
Birth Date	Date of Death	Burial / Funeral Date

Funeral Home Information

Funeral Home Name		
Key Contact Person		
Address		
City	State	Zip Code
Phone Number	Contact Name	

Cemetery Space Information	Purchase Information	Installment Information																																	
<input type="radio"/> Full Standard Space (10' x 4') <input type="radio"/> X-Large(Double)Space (10' x 8') <input type="radio"/> ½ Space – (5' x 4') <input type="radio"/> Infant Space – (4' x 2') Baby Land Only Section: _____ Block: _____ Space: _____	<input type="radio"/> Paid In Full <input type="radio"/> Installment Payments Purchase Date: _____ Plot Fee Cost: \$ _____ Filing & Admin Fee: \$ _____ Total Collected: \$ _____ Interment Fee: \$ _____ Date RCV: _____ Marker Permit: _____ Permit Fee: \$ _____ Date RCV: _____	Amounts Down Payment: _____ Monthly Payment: _____ Payments Paid – Date / Initials <table border="1"> <thead> <tr> <th>Date</th> <th>Amount</th> <th>Initials</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Date	Amount	Initials																														
Date	Amount	Initials																																	
<u>Tasks as applicable:</u> <input type="radio"/> Updated USTI <input type="radio"/> Updated Map <input type="radio"/> Deed printed/filed/mailed <input type="radio"/> Burial Permit Card completed <input type="radio"/> Transfer Deed Paid (\$15 per deed + Filing Fees)																																			

Overton City Cemetery Space Information

Marker Permit #: _____

Date Issued: _____ Approved By: _____

- Submit a rendition of proposed marker with size, dimensions and specifications
- A permanent approved marker must be installed within 1 year of burial.
- A \$200 marker fee shall be collected by the City of Overton at the time of interment.
- The Cemetery will install a basic permanent monument if a permanent marker has not been installed within 1 year of burial.
- Marker fee may be refunded upon request or donated to the Overton Municipal Cemetery Endowment Fund.

Company Name		Phone Number
Key Contact Person		
Address		
City	State	Zip Code
Type of Monument	Size "L x W x H"	
Place at the Head or Foot of the Grave	Section – Block - Space	Date to be installed

Nearest Relative (in case of an Emergency with Gravesite or Headstone)

Name		Relation
Address		
City	State	Zip Code
Phone #	Email:	

Other Relatives

Name		Relation
Address		
City	State	Zip Code
Phone #	Email:	

Name		Relation
Address		
City	State	Zip Code
Phone #	Email:	

§ 88.12

ANNEX C – BURIAL INFORMATION CARD

CEMETERY BURIAL RECORD:		<input type="checkbox"/> Casket	SECTION:	
LAST NAME		<input type="checkbox"/> Cremains	BLOCK:	
FIRST NAME		MIDDLE INITIAL	SPACE #:	
DOB:	DOD:	BURIAL DATE:	RACE	SEX
PLOT FEE:	PURCHASE DATE :	FILING FEE:	RELIGION:	AGE:
DEED MAILED:	INTERMENT FEE:	DATE PAID:	VETERAN:	WAR:
PLOT OWNER LAST NAME:		FIRST	PHONE #:	
STREET ADDRESS		CITY	STATE	ZIP